

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ANDRÉA SPENCE, *on behalf
of herself and others similarly situated,*

Plaintiff,

v.

CAVALRY PORTFOLIO SERVICES,
LLC and CAVALRY SPV I, LLC,

Defendants.

Civil Action No. 1:14-cv-12655-PBS

**AFFIDAVIT OF CHARLES M. DELBAUM IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION FOR FINAL APPROVAL OF SETTLEMENT AGREEMENT
AND AWARD OF ATTORNEYS' FEES AND COSTS AND CLASS
REPRESENTATIVE'S INCENTIVE AWARD**

I, Charles M. Delbaum, declare as follows:

1. I am one of the counsel for Andréa Spence, the named Plaintiff and the proposed Class Representative for the Settlement Class. I submit this affidavit in support of Plaintiffs' Unopposed Motion for Final Approval of Settlement Agreement and For An Award Of Attorneys' Fees and Costs and Class Representative's Incentive Award.

2. The facts contained in this Affidavit are within my personal knowledge, and I could testify to those facts if called to do so under oath.

3. Along with Elizabeth Ryan and her firm, my colleague at The National Consumer Law Center, Stuart T. Rossman, and I have been appointed as Class Counsel for the purposes of settlement.

4. Our educational backgrounds and experience are set forth in our Declarations in Support of Preliminary Approval. No. 74-3 (Declaration of Charles M. Delbaum), and No. 74.4, (Statement of Experience of Stuart T. Rossman).

5. I worked closely with Ms. Ryan at every step of the litigation since June 2014, but scrupulously avoided unnecessary duplication of effort.

6. The National Consumer Law Center believes that the Settlement Agreement is fair and reasonable and in the best interests of the Settlement Class.

7. In my opinion, this action was prosecuted expertly and efficiently, and the time expended and expenses incurred in relation to this matter were reasonable and necessary to provide fair and adequate relief to Class members.

8. Based upon the computerized daily time records contemporaneously maintained by myself and Stuart Rossman at NCLC, a summary of the time and labor devoted to *Spence v. Cavalry Portfolio Services*, is as follows:

Attorney	Hourly Rate Requested	Number of Hours To date	Fee Requested
Charles Delbaum	\$625	142.6	\$89,125.00
Stuart Rossman	\$625	7.9	\$ 4,937.50
Total			\$94,062.50

9. NCLC set a billing rate of \$625 for Mr. Rossman and myself two years ago based on a small survey of similar plaintiff's consumer advocates in the Boston area. NCLC took into account that NCLC is, in effect, a three-person litigation firm – while there are approximately twenty other attorneys in our organization, their work is devoted to research, writing reports and manuals, running conferences, educating administrative agencies and the like.

10. In 2013, Judge Stearns of this Court approved an application for the full amount of the attorneys' fees requested from a common fund, including a small multiplier, that was supported by declarations attesting to our then-billing rates of \$525 per hour for me and Mr. Rossman. *Otte v. Life Insurance Company of North America*, No. 1:09-cv-11537-RGS (Doc. 115).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and was executed in Boston, Massachusetts on the date set forth below.

Date: April 14, 2016

/s/ Charles M. Delbaum
Charles M. Delbaum